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Civil Rights Coalition Files Lawsuit to Halt Implementation of Presidential Proclamation's Health Care Ban

OCTOBER 30, 2019 – Today, litigators from the Justice Action Center (JAC), the American Immigration Lawyers Association (AILA), and the Innovation Law Lab, with Sidley Austin LLP providing pro bono assistance, are filing suit in the United States District Court for the District of Oregon to halt implementation of the administration's health care ban for immigrants, announced via presidential proclamation on October 4, 2019.

The case, *Doe vs. Trump* seeks to stop the federal government from implementing a policy that would add another brick to President Trump's invisible wall separating immigrants from their family members. If implemented, the proclamation would have unprecedented scope and impact -- inflicting irreparable harm on hundreds of thousands of people, including U.S. citizens and lawful permanent residents. The health care ban would permanently separate families and force employers to lose essential employees. Moreover, the proclamation is unconstitutional and violates separation of powers, unilaterally rewriting U.S. immigration laws and violating Congress's expressed intent to provide affordable health care coverage to legal immigrants and citizens regardless of financial status.

The complaint highlights the grievous damage the proclamation's requirement would cause to plaintiffs, which includes the Portland, Oregon-based organizational plaintiff Latino Network, as well as several individual plaintiffs:

"At Latino Network we know that when families are united, they have better support to thrive, accomplish their dreams, and ultimately contribute to American society," says Carmen Rubio, Executive Director of Latino Network, which is a plaintiff in the case. "The Trump administration has shattered dream after dream that our community has held for the betterment of our lives, and the lives of our loved ones. This health care ban is one more cruel attack that will further separate families and paralyze progress in our community."

One individual plaintiff, a U.S. citizen, can no longer work due to a disability. His wife, a Mexican citizen, is seeking to gain legal status in the U.S., so that she can work and help support the family, including her husband and his 14-year-old son. Due to the significant medical issues facing him and his son, he does not know what he would do if his wife is denied her visa. She has been granted a waiver of unlawful status, but has to leave to attend her consular interview in Mexico—scheduled for November 6—and the family



is extremely concerned about what may happen to them if she leaves for her interview and is denied (and potentially unable to return) due to the proclamation.

Another citizen could potentially enroll his wife under his employer's plan, but the health care ban makes this impossible because of timing: The proclamation requires proof that someone can get insurance within 30 days, but social security numbers and green cards are typically not mailed quickly enough to arrive within 30 days after admission to the U.S. is granted. This plaintiff says that when he first learned about the health care ban, he felt tremendous anxiety and despair, "Since Trump has been president, with all the laws and the hatred he has against immigrants, I personally feel violated. I truly wish and hope that something will change his mind on how his actions are affecting families of immigrants, U.S. citizens married to immigrants, and all of the children involved."

Another individual plaintiff, a single mother of two children and a victim of domestic abuse who became a naturalized U.S. citizen in 2018, has faced many obstacles in the United States. She misses her parents in Nicaragua and applied for visas for them; the petitions were approved. They were waiting for their interviews to be scheduled at the consulate when they heard news of the October 4 proclamation. According to the complaint, "She cannot explain the feeling of going through so many awful moments in her life and finally obtaining some hope of a light at the end of the tunnel by the possibility of reuniting with her family, only to have that hope ripped away from her by the Proclamation." She has looked for health insurance for them that she could afford, but has not been successful and does not believe such insurance is affordable.

Karen Tumlin, Founder and Director of the [Justice Action Center](#) (JAC), co-counsel to the case, and a new organization fighting for immigrant justice, says, "President Trump is taking a wrecking ball to both our legal immigration system AND our public health principles. The health care ban could impact up to two-thirds of legal immigrants to this country, people who have already cleared the federal requirements for getting green cards to enter. It also undermines the value of having health care system in which all people can get the care they need at an affordable price."

Jesse Bless, Director of Federal Litigation for the [American Immigration Lawyers Association](#) (AILA) notes, "It is terrifying for U.S. citizens to think that they may never be able to reunite in person with their loved ones because of this proclamation. The proclamation represents the latest attempt to separate families and undermine due process solely on the basis of cultural and national origin-based bias. It's as un-American as the public charge rule."

"When viewed next to this administration's parallel efforts, it is clear that we are witnessing an attempt to achieve a mass expulsion and exclusion of immigrants of color," stated Stephen Manning, Executive Director of [Innovation Law Lab](#). "This rule is blatantly unlawful, cruel towards families, and jeopardizes our collective prosperity."

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